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	ED STATES BANKRUPTCY COURT HERN DISTRICT OF NEW YORK			
		X		
In re:	RESIDENTIAL CAPITAL, LLC, et al,		Case No.:	12-12020-mg
	Debtors.	X		

## STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

Appellant, Phillip Scott, by counsel, Kim DSouza, respectfully submits this statement of issues to be presented on appeal and designation of record items to be included in the record on appeal, to the United States District Court for the Southern District of New York in connection with the Notice of Appeal filed January 2, 2014.

## 1. STATEMENT OF ISSUES PRESENTED

The Bankruptcy Court erroneously:

- I. denied enforcement for violation of automatic stay brought on behalf of nondebtor subsidiary without addressing evidence of record, of fraud, which establishes calculable economic hardship to the estate, and
- II. granted declaratory judgment in favor of DIP, notwithstanding its own finding of a lack of subject matter jurisdiction, and in violation of the Rooker-Feldman doctrine, that the bankruptcy estate does not include the mortgage, and that the

state foreclosure action was "filed by the trustee for the trust that owns the note and mortgage", and

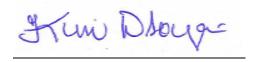
III. denied the motion, for a lack of subject matter jurisdiction, although Appellant owned title to premises subject to note in DIP's possession, and Appellant met condition precedent for derivative standing for creditor.

## 2. <u>DESIGNATION OF RECORD ITEMS FOR APPEAL</u>

Appellant designates the items listed below to be included in the record on appeal.

Date of	PACER	Description
Filing	No.	
8/12/12	12-01671	Order, US SDNY District Court Judge
	#82	Denise L. Cotes
10/12/12	12-12020	Order, US SDNY Bankruptcy Court
	# 1813	Judge Martin Glenn
5/20/13	12-12020	Order, US SDNY District Court Judge
	# 3781	Denise L. Cotes
7/15/13	12-3342	Order, US CAP 2 <sup>nd</sup> , Circuit Court Clerk
		Catherine O'Hagan Wolfe; 12-3342
8/9/13	12-12020	Notice of Motion by Phillip Scott
	# 4649	
8/12/13	12-5116	Order USDC SDNY Judge Denise L.
	#41	Cotes
8/23/13	12-12020	Debtor's Notice of Filing
	#4819	_
10/2/13	12-12020	Debtor's Objection to Motion
	#5236	,
12/19/13	12-12020	Order Denying Phillip Scott's Motion
	#6154	
1/2/14	12-12020	Notice of Appeal
	#6219	
	Filing  8/12/12  10/12/12  5/20/13  7/15/13  8/9/13  8/12/13  8/23/13  10/2/13  12/19/13	Filing         No.           8/12/12         12-01671 #82           10/12/12         12-12020 # 1813           5/20/13         12-12020 # 3781           7/15/13         12-3342           8/9/13         12-12020 # 4649           8/12/13         12-5116 #41           8/23/13         12-12020 #4819           10/2/13         12-12020 #5236           12/19/13         12-12020 #6154           1/2/14         12-12020

DATED: January 9, 2014



Kim DSouza, Esq.

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TO:

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